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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
AT PORTLAND

LEYAH JENSEN,

PLAINTIFF,

v.

SIMON & SCHUSTER, INC.,

DEFENDANT.

Case No. 03:12-cv-00759-PK

**MOTION TO DISMISS PURSUANT TO
FRCP 12(b)(6) OR IN THE
ALTERNATIVE TRANSFER VENUE
PURSUANT TO 28 U.S.C. § 1404**

By Defendant Simon & Schuster, Inc.

Oral Argument Requested

LOCAL RULE 7-1 CERTIFICATION

Pursuant to Local Rule 7-1(a), the undersigned certifies that counsel for the parties have conferred regarding this motion and the parties are unable to resolve the dispute.

MOTION

Defendant Simon & Schuster, Inc. ("Simon & Schuster") respectfully moves for an order dismissing plaintiff's complaint pursuant to FRCP 12(b)(6) because plaintiff has not filed her complaint within the applicable statute of limitations, and her allegations fail to state a claim upon which relief may be granted. In the alternative, Simon & Schuster requests an order

transferring venue pursuant to 28 U.S.C. § 1404 because the District Court for the Southern District of New York is a far more convenient forum for this litigation.

DATED this 6th day of August, 2012.

DAVIS WRIGHT TREMAINE LLP

By /s/ Carol Noonan

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